MONTANA LEGISLATIVE HISTORY

Chapter 81 1985

Bill H _____ S 24 Original bill & history ___C

H. Committee on State Admin

Hearing Date(s) 3/07 ___C
3/07 ___C
_____ ___C
_____ ___C

Date Out _____ ___C

S. Committee on Judiciary

Hearing Date(s) 1/09 ___C
1/11 ___C
_____ ___C
_____ ___C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

1/07	INTRODUCED		
1/07	REFERRED TO HIGHWAYS & TRANSPORTATION		
2/07	HEARING		
2/22	ON MOTION PRINTED/PLACED ON 2ND READING		
2/25	2ND READING PASS AS AMENDED	46	2
2/27	3RD READING PASS	49	1
	TRANSMITTED TO HOUSE		
3/06	REFERRED TO HIGHWAYS & TRANSPORTATION		
3/28	HEARING		
4/11	COMM REPORT-BILL CONCURRED AS AMENDED		
4/12	2ND READING CONCURRED	48	45
4/13	3RD READING CONCURRED	53	42
	RETURNED TO SENATE WITH AMENDMENTS		
4/13	ON MOTION RULES SUSPENDED TO ACCEPT TO CONSIDER HOUSE AMENDMENTS		
4/17	2ND READING AMENDMENTS CONCURRED	49	0
4/18	3RD READING AMENDMENTS CONCURRED	49	0
4/23	SIGNED BY PRESIDENT		
4/23	SIGNED BY SPEAKER		
4/23	TRANSMITTED TO GOVERNOR		
4/24	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 614 EFFECTIVE DATE: 10/01/85		

SB 23 INTRODUCED BY NEUMAN
CREATING A PENSION POLICY COMMISSION TO TERMINATE IN 1989
BY REQUEST OF INTERIM SUBCOMMITTEE NO. 3

1/07	INTRODUCED		
1/07	REFERRED TO STATE ADMINISTRATION		
1/09	HEARING		
1/10	FISCAL NOTE REQUESTED 1/11-REQUEST FOR FISCAL NOTE WITHDRAWN		
1/10	ADVERSE COMMITTEE REPORT	45	4
1/10	BILL KILLED		

SB 24 INTRODUCED BY TOWE, ASAY
TO CLARIFY LIMITATIONS ON STATE TRIBAL COOPERATIVE AGREEMENTS
BY REQUEST OF INDIAN AFFAIRS COMMITTEE

1/07	INTRODUCED		
1/07	REFERRED TO JUDICIARY		
1/09	HEARING		
1/11	COMMITTEE REPORT-BILL DO PASS		
1/14	2ND READING PASS	49	0
1/16	3RD READING PASS	48	0
	TRANSMITTED TO HOUSE		
1/18	REFERRED TO STATE ADMINISTRATION		
3/07	HEARING		
3/07	COMMITTEE REPORT-BILL CONCURRED		
3/09	2ND READING CONCURRED	94	0
3/11	3RD READING CONCURRED	95	1
	RETURNED TO SENATE		

3/15	SIGNED BY PRESIDENT		
3/15	SIGNED BY SPEAKER		
3/15	TRANSMITTED TO GOVERNOR		
3/18	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 81 EFFECTIVE DATE: 10/01/85		

SB 25 INTRODUCED BY TOWE
STATE FUNDING FOR CERTAIN DISTRICT COURT EXPENSES
BY REQUEST OF INTERIM SUBCOMMITTEE NO. 3

1/07	INTRODUCED		
1/07	REFERRED TO LOCAL GOVERNMENT		
1/08	FISCAL NOTE REQUESTED		
1/12	FISCAL NOTE RECEIVED		
2/05	HEARING		
2/21	COMMITTEE REPORT-BILL PASS AS AMENDED		
2/23	2ND READING PASS	38	8
2/25	3RD READING PASS	43	5
	TRANSMITTED TO HOUSE		
2/27	REFERRED TO LOCAL GOVERNMENT		
3/19	HEARING		
3/22	COMM REPORT-BILL CONCURRED AS AMENDED		
4/01	2ND READING CONCURRED	76	23
4/01	3RD READING CONCURRED	76	24
	RETURNED TO SENATE WITH AMENDMENTS		
4/04	2ND READING AMENDMENTS CONCURRED	50	0
4/08	3RD READING AMENDMENTS CONCURRED	48	1
4/12	SIGNED BY PRESIDENT		
4/15	SIGNED BY SPEAKER		
4/15	TRANSMITTED TO GOVERNOR		
4/20	RETURNED WITH GOVERNOR'S AMENDMENTS		
4/23	2ND READING GOVERNOR'S AMENDMENTS NOT CONCURRED	40	0
	TRANSMITTED TO HOUSE		
4/24	2ND READING GOVERNOR'S AMENDMENTS CONCURRED	93	0
4/24	3RD READING GOVERNOR'S AMENDMENTS CONCURRED	83	10
	RETURNED TO SENATE		
4/25	FREE CONFERENCE COMMITTEE APPOINTED		
4/25	FREE CONFERENCE COMMITTEE REPORT		
	SENATE		
4/25	2ND READING FREE CONFERENCE COMMITTEE REPORT ADOPTED	48	2
4/25	3RD READING FREE CONFERENCE COMMITTEE REPORT ADOPTED	38	12
	HOUSE		
4/25	2ND READING FREE CONFERENCE COMMITTEE REPORT ADOPTED	87	12
4/25	3RD READING FREE CONFERENCE COMMITTEE REPORT ADOPTED	84	10
5/01	SIGNED BY PRESIDENT		

SENATE BILL NO. 24

INTRODUCED BY TOWE, ASAY

BY REQUEST OF THE SELECT COMMITTEE ON INDIAN AFFAIRS

IN THE SENATE

January 7, 1985	Introduced and referred to Committee on Judiciary.
January 11, 1985	Committee recommend bill do pass. Report adopted.
January 12, 1985	Bill printed and placed on members' desks.
January 14, 1985	Second reading, do pass.
January 15, 1985	Considered correctly engrossed.
January 16, 1985	Third reading, passed. Ayes, 48; Noes, 0.
	Transmitted to House.

IN THE HOUSE

January 18, 1985	Introduced and referred to Committee on State Administration.
March 7, 1985	Committee recommend bill be concurred in. Report adopted.
March 9, 1985	Second reading, concurred in.
March 11, 1985	Third reading, concurred in.
	Returned to Senate.

IN THE SENATE

March 12, 1985

Received from House.

Sent to enrolling.

Reported correctly enrolled.

SENATE BILL NO. 24

INTRODUCED BY TOWE, ASAY

BY REQUEST OF THE SELECT COMMITTEE ON INDIAN AFFAIRS

A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY LIMITATIONS ON PERMISSIBLE SUBJECT MATTER OF STATE-TRIBAL COOPERATIVE AGREEMENTS; AMENDING SECTION 18-11-110, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 18-11-110, MCA, is amended to read:

"18-11-110. Specific limitations on agreements. Nothing in this chapter may be construed to authorize an agreement that:

(1) ~~enlarges or diminishes the jurisdiction over civil or criminal matters that may be exercised by either the state of Montana or tribal governments located in Montana;~~ is not permitted by federal law. However, the parties are encouraged to deal with substantive matters and enforcement matters that can be mutually agreed upon, but no such agreement may be considered to affect the underlying jurisdictional authority of any party unless expressly authorized by congress.

(2) authorizes a public agency or tribal government, either separately or pursuant to agreement, to expand or diminish the jurisdiction presently exercised by the government of the United States to make criminal laws for or enforce criminal laws in Indian country; or

(3) authorizes a public agency or tribal government to enter into an agreement except as authorized by their own organizational documents or enabling laws; ~~or~~

~~(4) provides for the alienation, financial encumbrance, or taxation of any real or personal property, including water rights, belonging to any Indian or any Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States.~~"

-End-

MONTANA STATE SENATE
JUDICIARY COMMITTEE
MINUTES OF THE MEETING

January 9, 1985

The second meeting of the Senate Judiciary Committee was called to order at 10:10 a.m. on January 9, 1985, by Chairman Joe Mazurek in Room 325 of the Capitol Building.

ROLL CALL: All committee members were present, with the exception of Senator Jack Galt, who was excused to attend a Reserved Water Rights Compact Commission meeting.

CONSIDERATION OF SENATE BILL 24: Senator Tom Towe, sponsor of SB 24, explained this bill was prepared and approved by the Select Committee on Indian Affairs. It is an attempt by the committee to work through some of the problems called to the committee's attention that could be acted upon by the legislature to make things easier for Indian affairs in the state of Montana. SB 24 addresses the matter of state-tribal cooperative agreements. We presently have a system whereby a statute passed several years ago authorized the entering into of state-tribal cooperative agreements between any agency or subdivision of the state and a tribal government. This allows us to handle things that relate to both state administration and tribal administration on which there otherwise might be a problem. We encourage this to try and see that services are received on the reservation. The result hoped for is if we can work together, it makes the system work better for everyone. One problem found in reviewing this is that there are some technical problems in getting cooperative agreements approved. It is substantially because it addresses the issue of jurisdiction. The statutes say we encourage state-tribal cooperative agreements, but no agreement is authorized if it is not permitted by federal law. The bill is an attempt to define jurisdiction. The new language suggested in the introduced copy of the bill throws the burden of definition back to congress. Senator Towe explained that in the last paragraph of the introduced copy of the bill he is proposing that language be deleted because the language is difficult due to problems of jurisdiction. As we have no authority to interfere with the trust responsibilities of federal goverment, we do not need subsection (4) of the present language, which language could be the cause of yet further confusion.

PROPONENTS: Louie Clayborn, Coordinator of Indian Affairs for the State of Montana, appeared in support of SB 24 (see written testimony attached as Exhibit 1). Edward J. Azure, Administrative Coordinator of the Fort Belknap Indian Community, appeared in support of SB 24 (see written testimony attached as Exhibit 2).

OPPONENTS: None.

QUESTIONS FROM THE COMMITTEE: Senator Pinsoneault asked Mr. Azure to give an example of the sort of agreements this bill will help to effectuate. Mr. Azure used the example of dealing with the Department of Social and Rehabilitation Services with services that are joint or shared with the county welfare departments, the state, and the tribes dealing mainly with services for juveniles. The others they have been speaking of have been taxation on alcohol and the joint responsibility of enforcing the Renner decision. Senator Mazurek questioned whether the redundancy in subsection (4) would hurt if it were left in. Senator Towe believes it diminishes the effectiveness of the bill. He explained that if you extend the concept of the federal trust responsibilities of the federal government, you could possibly come to the same conclusion that you cannot touch anything without interfering in some way. When you are talking about water rights, it is a more defined area, but that is not true when you are talking about personal property.

CLOSING STATEMENT: None.

Hearing on SB 24 was then closed.

CONSIDERATION OF SB 26: Senator Tom Towe, sponsor of SB 26, explained that this is a bill prepared and approved by the Select Committee on Indian Affairs. It was called to the committee's attention that there are some outstanding problems with state lands located within a reservation. Two sections out of every township were given for school land. That was also done on the reservations as well. In some places that land has been given back to this state, along with the responsibility of education, but there is some retention of that school land, and it still exists on the reservation. The state provides educational services for all of the children on the reservation, whether they are tribal members or not. Some tribes have handled it differently than others. There are some isolated tracts of land (Sections 16 and 36 or some parts of them) that are state-owned land which are entirely surrounded by the reservation. Some tribes have asked to buy that land. The state has a fairly firm policy against selling state school land. The solution suggested is to trade lands outside the reservation for school lands within. There was some suggestion from the tribes that if we did not want to cooperate, they would not let us cross their land to get to state land, effectively denying access. Senator Towe stated this is just simply a land swap authorization bill.

PROPONENTS: Robert Vandevere, a registered concerned citizen lobbyist, appeared in support of SB 26. He believes the bill looks good and will save a lot of headaches and fighting. He believes it will help non-Indians and Indians alike. He believes that when an agreement is

ROLL CALL

SENATE JUDICIARY COMMITTEE

49th LEGISLATIVE SESSION -- 1985 Date 010985

NAME	PRESENT	ABSENT	EXCUSED
Senator Chet Blaylock	X		
Senator Bob Brown	X		
Senator Bruce D. Crippen	X		
Senator Jack Galt			RWRCC X
Senator R. J. "Dick" Pinsoneault	X		
Senator James Shaw	X		
Senator Thomas E. Towe	X		
Senator William P. Yellowtail, Jr.	X		
Vice Chairman Senator M. K. "Kermit" Daniels	X		
Chairman Senator Joe Mazurek	X		

(This sheet to be used by those testifying on a bill.)

NAME: Donald L Clayborn DATE: 1-9-85

ADDRESS: OFFICE / Coordinator of Indian AFFAIRS

PHONE: 444-3702

REPRESENTING WHOM? Coordinator of Indian AFFAIRS

APPEARING ON WHICH PROPOSAL: SB24 — SB26

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENT: submission OF written testimony

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 1
DATE 010985
BILL NO. SB 24

STATE COORDINATOR OF INDIAN AFFAIRS

TED SCHWINDEN, GOVERNOR

1218 EAST SIXTH AVE

STATE OF MONTANA

(406) 444-3702
DONALD L. CLAYBORN, COORDINATOR

HELENA, MONTANA 5

JANUARY 9, 1985

TESTIMONY

SENATE BILL NO. 24

MR. CHAIRMAN AND MEMBERS OF THE JUDICIARY COMMITTEE. I AM LOUIE CLAYBORN OF THE COORDINATOR OF INDIAN AFFAIRS OFFICE. I AM HERE IN SUPPORT OF SENATE BILL NO. 24, THE ACT OF CLARIFYING LIMITATIONS ON PERMISSABLE SUBJECT MATTER OF STATE/TRIBAL COOPERATIVE AGREEMENTS AMENDING SECTION 18-11-110, MCA.

THIS AMENDMENT, TO THE COOPERATIVE AGREEMENTS ACT, WHICH ALLOWS GOVERNMENTAL COOPERATION BETWEEN THE STATE AND TRIBE, IS SIMPLE IN LANGUAGE, BUT IS SIGNIFICANT IN EFFECT. IT, IN EFFECT, PROTECTS THE JURISDICTIONAL AUTHORITY OF THE COURTS AND GOVERNMENTAL BRANCHES OF BOTH ENTITIES FROM POTENTIAL INFRINGEMENT BY A COOPERATIVE AGREEMENTS. EITHER AS AN INTENTIONA OR UNINTENTIONAL MATTER. AT THE SAME TIME ALLOWS FOR THE REMOVAL OF A MAJOR STUMBLING BLOCK IN LANGUAGE, IN THE EXISTING COOPERATIVE AGREEMENTS ACT. THIS BILL WILL PROMOTE AN ATMOSPHERE OF COOPERATION BETWEEN TRIBAL GOVERNMENTS, LOCAL GOVERNMENTS AND STATE GOVERNMENT.

THE SECOND AMENDED SECTION IS, FROM ITS APPEARANCE, SOMEWHAT HOUSE-KEEPING IN LIGHT OF THE ADDITION OF THE FIRST AMENDMENT. THE DELETED SECTION ALLOWS FOR THE ALIENTATION, FINANCIAL ENCUMBRANCE AND TAXATION OF PROPERTY WHICH OF COURSE IS ALLOWABLE UNDER THE FIRST SECTION.

THE TRIBES OF MONTANA SUPPORT THESE AMENDMENTS TO THIS IMPORTANT LAW AND I HEARTILY ENDORSE A DUE PASS RECOMMENDATION OUT OF COMMITTEE.

SENATE JUDICIARY COI
EXHIBIT NO. 1
DATE 1/09/85
BILL NO. SB 24

AN EQUAL OPPORTUNITY EMPLOYER

(This sheet to be used by those testifying on a bill.)

NAME: EDWARD J AZURE DATE: 1-9-85

ADDRESS: BOX 249 HARLEM MT 59526

PHONE: 353-2205 EXT 453

REPRESENTING WHOM? FT. BELKNAP INDIAN COMMUNITY

APPEARING ON WHICH PROPOSAL: S.24 & 26

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENT: Please send copies of minutes on both bills, especially the verbal testimony and Committee Members questions & responses

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 2
DATE 01C985
BILL NO. SB24

Fort Belknap Community Council

(406) 353-2205
P.O. Box 249
Fort Belknap Agency
Harlem, Montana 59526

Fort Belknap Indian Community
(Tribal Govt.)
Fort Belknap Indian Community
(Elected to administer the affairs of the comm and to represent the Assiniboine and the Ventre Tribes of the Fort Belknap Reservation)

1-9-85
DATE

SENATE BILL 24 - STATE/TRIBAL COOPERATIVE AGREEMENTS ACT

The Fort Belknap Indian Community supports Senate Bill 24.

The Fort Belknap Indian Community supports Senate Bill 24 due to the fact that the State and Tribe have to provide services to Tribal members.

Much of our concerns center on the bureaucracy and personalities and roles and interactions of departments rather than the actual legislation.

With support and passage of this legislation, the various Departments and related personnel will have to recognize the fact that services and programs can be effectuated to meet the needs of all Montanans.

This legislation may be the vehicle for many gray asreas of State and Tribal concerns. Tribes and the State are at liberty to work toward solving problems on the local level rather than waiting for specific legislation on a broad issue.

To date we have had little or no problems in dealing with the concept and therefore must urge passage of Senate Bill 24.

Edward J Quinn, Admin. Coordinator
for Tribal Chairman

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 2
DATE 010985
BILL NO. SB24

DATE January 9, 1985

COMMITTEE ON Senate Judiciary

VISITORS' REGISTER SB 24 & 26

NAME	REPRESENTING	BILL #	Check One: Support	Oppose
Robert VanDeVere	Self	SB. 26	X	
Dudley B. Trosper	Confederated Salish & Kootenai Tr.	SB. 26	X	
Rachel Parker	Chippewa Cree Tribe	SB. 26	X	
Daryl Wright	Self & C/C Tribe	S.B. 26	X	
Cecelia Wells	Self & C/C Tribe	SB. 26	X	
Delmar Bixby	Ft. Belknap Tribes & Self	SB 26	X	
Edward Lee	F/Belknap Fur Corp. - Admin Coordinator	S 26	X	
Dennis Lemmon	Dept of State Lands	S 26	X	
DL Claybourn	Coordinator/Indian Aff	S 24 S 26	X	
John North	Dept. of State Lands	SB 26	X	
Joe Roberts	Attorney Generals Office	SB 24 SB 26	X	
Clay Smith	Attorney General's office	SB 24 SB 26	X	
[illegible]	Fort Belknap Tribes	H 2	X	
Jim Meredith	State Dept. of Rev	SB 24	X	
Julianne Etzel	Leg. Intern	SB 24 SB 26		
Merrill Becker	Confederated Salish & Kootenai Tribes	SB 24/26	X	
Pat Wilson	Montco / Thermal	SB 26		

(Please leave prepared statement with Secretary)

MONTANA STATE SENATE
JUDICIARY COMMITTEE
MINUTES OF THE MEETING

January 11, 1985

The fourth meeting of the Senate Judiciary Committee was called to order at 10:00 a.m. on January 11, 1985, by Vice Chairman Kermit Daniels in Room 325 of the Capitol Building.

ROLL CALL: All committee members were present, with the exception of Senator Jack Galt, who was excused.

ACTION ON SB 5: Senator Towe stated that based on what was discussed yesterday, it would be impractical at this time to do a blanket repeal or individual repeal of all sections considered redundant. He sees no reason for a fiscal note, as there should be no impact at all. Senator Brown questioned what the list of section numbers provided by Mr. Petesch indicated. Mr. Petesch stated what that showed was the impracticality of repealing RCM sections, because most are subsections or portions of sections. Senator Daniels stated it would be a herculean task because there would be too many different opinions as to whether it were redundant or not. Senator Towe moved that SB 5 DO PASS, which motion carried with Senator Crippen voting in opposition.

ACTION ON SB 24: Senator Yellowtail stated that although the Tribes indicated they wished to file further written testimony and would have it to the committee by today, he did not believe it would be anything that would cause any serious objection. Senator Towe suggested we consider the bill even though the committee has not yet received any further information from the Tribes. Senator Towe moved that SB 24 DO PASS, which motion carried unanimously.

ACTION ON SB 26: Senator Towe moved that SB 26 be amended as follows:

1. Page 2, line 14.
Following: "reservation"
Insert: "as established by act of Congress"

2. Page 3, line 15.
Following: "reservation"
Insert: as established by act of Congress"

Senator Towe explained this suggestion was made by one of the witnesses, but since it helps make it clearer, he would like to go along with it. Senator Crippen questioned whether there were any difference between the

ROLL CALL

SENATE JUDICIARY COMMITTEE

49th LEGISLATIVE SESSION -- 1985 Date 01/11/85

NAME	PRESENT	ABSENT	EXCUSED
Senator Chet Blaylock	X		
Senator Bob Brown	X		
Senator Bruce D. Crippen	X		
Senator Jack Galt			X
Senator R. J. "Dick" Pinsoneault	X		
Senator James Shaw	X		
Senator Thomas E. Towe	X		
Senator William P. Yellowtail, Jr.	X		
Vice Chairman Senator M. K. "Kermit" Daniels	X		
Chairman Senator Joe Mazurek	X		

STANDING COMMITTEE REPORT

January 11 19 85

MR. PRESIDENT

We, your committee on JUDICIARY

having had under consideration SENATE No. 24

FIRST reading copy (WHITE)
color

TO CLARIFY LIMITATIONS ON STATE TRIBAL COOPERATIVE AGREEMENTS

Respectfully report as follows: That SENATE No. 24

DO PASS

XXXXXXXXXX

Chairman.

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

March 7, 1985

The meeting of the State Administration Committee was called to order by Chairman Sales at 9:00 a.m. in Room 317 of the State Capitol on the above date.

ROLL CALL: Sixteen members present with Rep. Janet Moore absent and Rep. Pistoria excused for another meeting.

CONSIDERATION OF SENATE BILL NO. 115: Sen. Dick Manning, District #18, sponsor of the bill, said it would remove the mandatory and compulsory retirement from the statutes. There is no cost to this bill and perhaps there could be a savings. Most people retire before the mandatory age anyway. Failure to remove this from the statutes would place it in opposition to the Court's decision.

PROPONENTS: Larry Natscheim, Administrator of the Public Employees' Retirement Board, said it is a matter of having the statutes reflect what the Supreme Court said on the question of mandatory retirement. His prepared testimony is attached as Exhibit #1.

OPPONENTS: There were no opponents.

There being no questions from the Committee, Sen. Manning closed without further comment.

CONSIDERATION OF SENATE BILL NO. 78: Sen. Larry Tveit, Senate District #11, sponsor, said this bill would exempt fire department relief associations with annual receipts less than $20,000 from state audit.

PROPONENTS: Art Korn, Secretary-Treasurer of the Montana State Firemen's Association, told the Committee that they thought this had been accomplished at the 1983 Legislature, however, this was not so. He cited the case of Froid, with a budget of $14,000, having to pay $600 plus for their audit. They were asking that it carry across the board to include the relief associations in third class cities, however, the larger cities should be audited.

Rep. Ray Harbin, proponent of the bill, said he had been the manager of the fire department pension fund for 15 years. Their income was $3500 and they paid $500 for their audit.

Ross Fitzgerald, Montana Volunteer Firemen's Assocaition, spoke in favor of the bill. His prepared testimony is attached as Exhibit #2.

OPPONENTS: There were no opponents to SB 78.

floor as he is familiar with the bill.

While waiting for Sen. Towe to present his bill the Committee took executive action on the following bills.

DISPOSITION OF SENATE BILL NO. 115: Rep. Peterson moved that SB 115 BE CONCURRED IN, seconded by Rep. Fritz. The motion CARRIED UNANIMOUSLY. Rep. Nelson will carry the bill.

DISPOSITION OF SENATE BILL NO. 78: Rep. Harbin moved that SB 78 BE CONCURRED IN, seconded by Rep. Cody. The motion CARRIED UNANIMOUSLY. Rep. Harbin will carry the bill.

CONSIDERATION OF SENATE BILL NO. 24: Sen. Tom Towe, Senate District #46, sponsor, said this bill came out of the Select Committee on Indian Affairs and said that there are problems of Indian jurisdiction coming up. Indian nations are separate sovereign nations so there are problems in providing services on the reservations. Agreements are entered into between the county, cities, State or State agencies and a tribe and this helps to provide services. He said there are a large number of items that need to be handled. This bill addresses who would administer these agreements. He said if the stricken material is read very carefully that affects everything and there isn't anything left. This language is being stricken and reworded so they can do it differently. He explained the language being inserted on page 1, lines 17-22. This bill encourages them to deal in substantive matters that can be mutually agreed upon.

PROPONENTS: Gary Kimbel, on behalf of Louis Clayborn, Coordinator of Indian Affairs, read Mr. Clayborn's prepared testimony which is attached as Exhibit #4. He said they do support this bill to allow governmental cooperation between the State and tribes.

Rep. Dorothy Cody wished to be on the record as a proponent of SB 24 as did Rep. Ray Harbin and Roland Kennerly.

OPPONENTS: There were no opponents.

DISCUSSION OF SENATE BILL NO. 24: There were no questions from the Committee.

Without further comment, Sen. Towe closed.

CONSIDERATION OF SENATE JOINT RESOLUTION NO. 23: Sen. Jack Haffey, Sen. District #33, sponsored the Resolution asking that Congress and the President take a role on behalf of the United States in pursuing peace in Ireland. Because this country has benefited so greatly from these two nations, we have a responsibility to pursue the peace process in Ireland.

PROPONENTS: Sen. Bob Brown, Sen. District #2, appeared as a proponent of SJR 23. He said that if, in some small way this Resolution could help, it would be a good thing to do.

Jim Murry, Executive Secretary of the AFL-CIO, and also a member of the American Labor Committee for Human Rights in Northern Ireland, was also a supporter of the Resolution

Rep. Helen O'Connell and Rep. Dorothy Cody also wished to be on record as proponents of SJR 23.

OPPONENTS: There were no opponents.

There being no questions from the Committee, Sen. Haffey closed saying that this is a legitimate attempt to urge Congress to do the responsible thing.

The Committee then went into executive session on the remaining bills heard on this date.

DISPOSITION OF SENATE JOINT RESOLUTION NO. 23: Rep. Smith moved that SJR 23 BE CONCURRED IN, seconded by Rep. O'Connell. The motion CARRIED UNANIMOUSLY. Rep. Menahan will be asked to carry the bill.

DISPOSITION OF SENATE BILL NO. 24: Rep. Kennerly moved that SB 24 BE CONCURRED IN, seconded by Rep. Campbell. The motion CARRIED UNANIMOUSLY. Rep. Kennerly will carry the bill.

DISPOSITION OF SENATE BILL NO. 13: Rep. Cody moved that SB 13 BE CONCURRED IN, seconded by Rep. Campbell. The motion CARRIED UNANIMOUSLY. Rep. Spaeth will be asked to carry the bill.

There being no further business the meeting adjourned at 9:50 a.m.

Walter R. Sales

WALTER R. SALES, Chairman

ls

STANDING COMMITTEE REPORT

March 7 19 85

MR. SPEAKER

We, your committee on STATE ADMINISTRATION

having had under consideration SENATE Bill No. 24

Third reading copy (Blue color)

TO CLARIFY LIMITATIONS ON STATE TRIBAL COOPERATIVE AGREEMENTS

Respectfully report as follows: That SENATE Bill No. 24

BE CONCURRED IN

~~DO PASS~~

Walter R. Sales, Chairman.

STATE PUB. CO.
Helena, Mont.

COMMITTEE SECRETARY

(Type in committee members' names and have 50 printed to start).

DAILY ROLL CALL

State Administration COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 3/7/85

NAME	PRESENT	ABSENT	EXCUSED
Chairman Walter Sales	✓		
V-Chairman Helen O'Connell	✓		
Campbell, Bud	✓		
Compton, Duane	✓		
Cody, Dorothy	✓		
Fritz, Harry	✓		
Garcia, Rodney	✓		
Hayne, Harriet	✓		
Harbin, Raymond	✓		
Holliday, Gay	✓		
Jenkins, Loren	✓		
Kennerly, Roland	✓		
Moore, Janet			
Nelson, Richard	✓		
Peterson, Mary Lou	✓		
Phillips, John	✓		
Pistoria, Paul			✓
Smith, Clyde	✓		

Please attach to minutes.

EX. #3
SB-24
3/7/85

STATE COORDINATOR OF INDIAN AFFAIRS

TED SCHWINDEN, GOVERNOR
1218 EAST SIXTH AVENUE

STATE OF MONTANA

(406) 444-3702
DONALD L. CLAYBORN, COORDINATOR
HELENA, MONTANA 59620

MARCH 7, 1985

TESTIMONY

SENATE BILL NO. 24

MR. CHAIRMAN AND MEMBERS OF THE ST. ADMIN. COMMITTEE. I AM LOUIE CLAYBORN OF THE COORDINATOR OF INDIAN AFFAIRS OFFICE. I AM HERE IN SUPPORT OF SENATE BILL NO. 24, THE ACT OF CLARIFYING LIMITATIONS ON PERMISSABLE SUBJECT MATTER OF STATE/TRIBAL COOPERATIVE AGREEMENTS AMENDING SECTION 18-11-110, MCA.

THIS AMENDMENT, TO THE COOPERATIVE AGREEMENTS ACT, WHICH ALLOWS GOVERNMENTAL COOPERATION BETWEEN THE STATE AND TRIBE, IS SIMPLE IN LANGUAGE, BUT IS SIGNIFICANT IN EFFECT. IT, IN EFFECT, PROTECTS THE JURISDICTIONAL AUTHORITY OF THE COURTS AND GOVERNMENTAL BRANCHES OF BOTH ENTITIES FROM POTENTIAL INFRINGEMENT BY A COOPERATIVE AGREEMENTS. EITHER AS AN INTENTIONAL OR UNINTENTIONAL MATTER. AT THE SAME TIME ALLOWS FOR THE REMOVAL OF A MAJOR STUMBLING BLOCK IN LANGUAGE, IN THE EXISTING COOPERATIVE AGREEMENTS ACT. THIS BILL WILL PROMOTE AN ATMOSPHERE OF COOPERATION BETWEEN TRIBAL GOVERNMENTS, LOCAL GOVERNMENTS AND STATE GOVERNMENT.

THE SECOND AMENDED SECTION IS, FROM ITS APPEARANCE, SOMEWHAT HOUSE-KEEPING IN LIGHT OF THE ADDITION OF THE FIRST AMENDMENT. THE DELETED SECTION ALLOWS FOR THE ALIENTATION, FINANCIAL ENCUMBRANCE AND TAXATION OF PROPERTY WHICH OF COURSE IS ALLOWABLE UNDER THE FIRST SECTION.

THE TRIBES OF MONTANA SUPPORT THESE AMENDMENTS TO THIS IMPORTANT LAW AND I HEARTILY ENDORSE A DUE PASS RECOMMENDATION OUT OF COMMITTEE.

VISITORS' REGISTER

_____ COMMITTEE

BILL NO. SB 24 DATE _____

SPONSOR _____

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Dianne Donnelly	Miles City	—	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FOR

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

SB 0024/02

SENATE BILL NO. 24

INTRODUCED BY TOWE, ASAY

BY REQUEST OF THE SELECT COMMITTEE ON INDIAN AFFAIRS

A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY LIMITATIONS ON PERMISSIBLE SUBJECT MATTER OF STATE-TRIBAL COOPERATIVE AGREEMENTS; AMENDING SECTION 18-11-110, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 18-11-110, MCA, is amended to read:

"18-11-110. Specific limitations on agreements. Nothing in this chapter may be construed to authorize an agreement that:

(1) ~~enlarges-or-diminishes-the-jurisdiction-over-civil-or-criminal-matters-that-may--be--exercised--by--either--the state--of--Montana-or-tribal-governments-located-in-Montana;~~ is not permitted by federal law. However, the parties are encouraged to deal with substantive matters and enforcement matters that can be mutually agreed upon, but no such agreement may be considered to affect the underlying jurisdictional authority of any party unless expressly authorized by congress.

(2) authorizes a public agency or tribal government, either separately or pursuant to agreement, to expand or diminish the jurisdiction presently exercised by the government of the United States to make criminal laws for or enforce criminal laws in Indian country; or

(3) authorizes a public agency or tribal government to enter into an agreement except as authorized by their own organizational documents or enabling laws; ~~or~~

~~(4)--provides----for----the----alienation,----financial encumbrance,-or-taxation-of-any-real-or--personal--property, including--water--rights,--belonging--to--any--Indian-or-any Indian-tribe,-band,-or-community-that-is-held--in--trust--by the--United--States--or--is-subject-to-a-restriction-against alienation-imposed-by-the-United-States."~~

-End-